

Drainage Board met in their regular meeting place in the Rush County courthouse on November 8, 2010 at 10:10 a.m. with the following present: Marvin L. Cole, T.H. Barnes, Ken Masters, members; Leigh Morning, Board attorney; Marvin L. Rees, Surveyor; Mary Ann Higgins, secretary.

Minutes of the previous meeting were approved and signed by motion of Barnes, with a 2nd by Masters.

WM WILLIAMS TILE – BIDS

Bowles Construction	\$143,652.80
R.L. Coon Excavating, Inc	\$139,846.00
Ballenger Bulldozing & Stone	\$139,549.50
Wells Excavating	\$188,353.00
Ken Bischoff Excavating	\$137,108.00
Russell Gettinger Excavating	\$118,000.00
Wenning Excavating & Drainage	\$147,499.59
Culy Construction & Excavating	\$158,870.00

Barnes made a motion that in light of the fact that the Board had worked with Gettinger Excavating and that he had the lowest bid that the contract for the Wm Williams Tile be awarded to Gettinger Excavating. A 2nd by Masters and the motion carried.

FLORENCE LYONS TILE

Surveyor showed pictures of the work done on this drain and explained that a letter will be sent to Blue River Conservancy requesting them to do work on the open portion of the drain. Barnes made a motion that this letter be sent to Blue River Conservancy requesting work be done on the open drain, 2nd by Masters, and the motion carried.

BLOUNT-FLETCHER TILE

Surveyor stated that work done on this tile will be done on NRCS schedule. He recommends a metal structure be used in preference to a cement one.

JAMES V HILLIGOSS TILE

Surveyor reminded the Board that there must be a meeting with Allen Hurst.

RICHARD PHILLIPS TILE – HEARING

A list of interested parties attending may be found in the file in the Surveyor's office. Surveyor noted he had received only one objection which he read to the group. Much discussion followed. Various landowners spoke. Barnes made a motion to proceed with the reconstruction and to sign the Final Order and that the Surveyor should meet with the NRCS to schedule the work be done next summer. Masters gave a 2nd and the motion carried.

BIG FLATROCK RIVER OPEN DRAIN

Kay Hineman asked the Board to remove a very large beaver dam from her property. After viewing the pictures she brought in the Surveyor stated that he hoped this could be removed as soon as possible.

WILLIAMSTOWN – HEARING

A list of interested parties attending can be found in the Surveyor's office. The Surveyor read the petition he had received concerning the project stating there were 2 obstructions in this open drain. Morning spoke of laws about removal of these obstructions without redoing the drain or changing its' course. The Surveyor has found 2 obstructions, one north of town and one south of town. The obstruction on the north end of town is on properties belonging to Brinker and Sturwold. It was found and determined that this obstruction is from natural causes. Siltation and vegetation are present and holding water back. The obstruction on the south end of town is in Decatur County and is on the property owned by Thomas G. Francisco. This obstruction is because the channel has been filled in and the runoff water spreads out during a large rain event and floods the town. It was found and determined that this obstruction is unintentional. Mr. Francisco did not own the property when the channel was filled in. Much discussion followed and Barnes made a motion that the hearing be continued until January 18, 2011 at 10:30 a.m. in order for further investigation. Masters gave a 2nd and the motion carried.

FRALEY/WILKER

Mayor Mervin Bostic and Councilman Goins representing the city of Rushville were present to discuss the problem. Auditor Deborah Adams was also present. Surveyor read the petition he had received and this was discussed. A legal petition is needed before action can be taken.

ZACK SMALL OPEN

Work has been requested on this drain between CR 400N and CR 500N. This will require quotes.

OTHER BUSINESS

Surveyor has prepared a check list concerning reconstruction and Barnes made a motion to adopt these, a 2nd by Masters, and the motion carried. The checklist is attached to these minutes.

Checklist

Name of drain to be reconstructed _____.

Reconstruction requested by, (circle one) Drainage Board, Landowner, other.

Necessary plans, maps, etc. Yes No

Will an arm to the main be added to the plans? Yes No

Will proposed reconstruction cross a pipeline, cable, or similar equipment of a public utility? Yes No

Will proposed reconstruction cross a rail road, state highway, or county road? (circle all that apply)

Estimated cost of reconstruction _____

Estimated cost of damages _____

Schedule of assessments _____

Has the reconstruction become necessary because of an increased flow of drainage resulting in whole or in part from a change in land use by one or more owners? (IC 36-9-27-51) Yes No

Will a loan be necessary to complete the project? Yes No

If yes, has the watershed been informed of their responsibility to pay the interest on the loan? Yes No

If yes, how and when was this issue brought before the watershed? _____

Will any landowner(s) pay his assessment upfront? Yes No

If yes, what amount(s) will be paid upfront? _____

Loan Resolution adopted? Date of Adoption _____

Verification that Loan Resolution required Landowners to pay interest?

Name of Person making verification _____

Date of verification _____

Date that requirement of loan was presented to the County Council _____

Name of person who made presentation to County Council _____

Date of bidding loan to banks _____

Name of bank receiving the bid _____

Interest rate of successful bidder _____

Name of person or entity preparing loan documents _____

Date loan documents presented to County Attorney for review _____

Date loan documents presented to Drainage Board for review _____

Date loan documents presented to County Council for review _____

Does loan contain a prepayment penalty? Yes No

If yes, amount of prepayment penalty _____

If yes, can prepayment penalty be waived? _____

If yes, did anyone discuss the removal of this clause with bank/bank's attorney? Yes No

LOAN CLOSING

Date signed by Commissioners _____

Date signed by County Council _____

Is an Onsite field review needed for this project? Yes No

Proof of public notice of hearing (date received) _____

Hearing date, time, and place _____

% of objections to project _____

Judicial review filed? Yes No

Proof of public notice of Final Decision (date filed) _____

There being no further business to come before the Board, Masters made motion to adjourn, with a 2nd by Barnes, and the motion carried.

Marvin L. Cole

T.H. Barnes

Ken Masters